

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

VILOX TECHNOLOGIES, LLC	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. ____
	)	
TRIPADVISOR, INC. and	)	<b>JURY TRIAL DEMANDED</b>
TRIPADVISOR, LLC	)	
	)	
Defendants.	)	
	)	

**COMPLAINT**

For its Complaint, Plaintiff Vilox Technologies, LLC (“Vilox”), by and through the undersigned counsel, alleges as follows:

**THE PARTIES**

1. Vilox is a Texas limited liability company having a principal place of business at 101 E. Park Boulevard, Suite 600, Plano, Texas 75704.
2. Defendant TripAdvisor, Inc. (“TripAdvisor”) is a Delaware corporation, having a principal place of business at 400 1<sup>st</sup> Avenue, Needham, Massachusetts 02494.
3. Defendant TripAdvisor, LLC (“TripAdvisor LLC”) is a Delaware limited liability company, having a principal place of business at 464 Hillside Avenue, Suite 304, Needham, Massachusetts 02494. TripAdvisor LLC is registered with the Texas Secretary of State as a foreign limited liability company, and maintains an agent for service of process at National Registered Agents, Inc., 199 Bryan Street, Suite 900, Dallas, Texas 75201-3136.

4. TripAdvisor LLC does business through the website [www.tripadvisor.com](http://www.tripadvisor.com), and, upon information and belief, is a fully owned subsidiary of TripAdvisor. Upon information and belief, TripAdvisor LLC acts as an agent for or otherwise for the benefit of TripAdvisor. TripAdvisor and TripAdvisor LLC are referred to collectively herein as “TripAdvisor” or “Defendants.”

### **JURISDICTION AND VENUE**

5. This action arises under the patent laws of the United States, Title 35 of the United States Code, 35 U.S.C. § 1 *et seq.* The Court has subject matter jurisdiction over this action pursuant to 35 U.S.C. § 271, and 28 U.S.C. §§ 1331 and 1338.

6. The Court has personal jurisdiction over TripAdvisor because, upon information and belief, TripAdvisor conducts substantial business in the forum, directly or through intermediaries, including: (i) at least a portion of the infringing activity alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct and/or deriving substantial revenue from goods and services provided to persons in this district.

7. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b), (c) and (d), as well as 28 U.S.C. § 1400(b). Furthermore, venue is proper based on TripAdvisor’s conducting of business within this District and/or soliciting and establishing online relationships with persons and entities within this District, including the infringing products or services alleged herein.

### **THE PATENTS-IN-SUIT**

8. On March 6, 2007, United States Patent 7,188,100 (the “100 patent”), entitled “Search-on-the-Fly Report Generator,” was duly and lawfully issued by the U.S. Patent and

Trademark Office (“USPTO”). A true and correct copy of the ‘100 patent is attached hereto as Exhibit A.

9. The ‘100 patent is valid and subsisting, and Vilox is the assignee and owner of all right, title and interest in and to the ‘100 patent, including the right to assert all causes of action arising under said patent and to any remedies for infringement of it.

10. Dr. Joseph DeBellis is a named inventor on the ‘100 patent. Over 15 years ago, Dr. DeBellis recognized a significant limitation on the ability to search, retrieve and sort results of queries across a single database or across multiple databases. At that time, search queries tended to return very large amounts of data that could not easily be sorted and reviewed by the user. Additionally, no iterative application of search functions or filters was available to search and/or sort a single or multiple databases. Furthermore, a query for a given piece of information might, in the case of multiple databases, retrieve the information from one database, but not another, even if the information is the same in each database, because of the different ways in which the data in the databases was organized.

11. To solve these long-standing problems, Dr. DeBellis conceived a method and apparatus for conducting on-the-fly searches that provide the user with an intuitive mechanism for searching databases without having to know anything about the database structure. This conception formed the basis for several inventions, including those claimed in the ‘100 patent.

**COUNT I – INFRINGEMENT OF U.S. PATENT 7,188,100**

12. Vilox repeats and realleges the allegations of paragraphs 1 through 11 as if fully set forth herein.

13. TripAdvisor has infringed and continues to infringe one or more claims of the ‘100 patent, including at least claim 1, by making, using, selling and/or offering for sale within

this District and elsewhere in the United States and/or importing into this District and elsewhere in the United States, products or services that, among other features, receive a database search query, search a database on-the-fly based on the query, tweak the received query to generate a defined query of the database, access a database using the defined query, generate a search result that includes descriptors of data categories, and create a template that includes links to the data categories, including but not limited to search features of TripAdvisor's website located at [www.tripadvisor.com](http://www.tripadvisor.com).

14. TripAdvisor's infringing actions are without license and authorization.

15. TripAdvisor's unauthorized actions therefore constitute violation of Vilox's exclusive rights pursuant to 35 U.S.C. § 271(a), and Vilox is entitled to recover from TripAdvisor the damages sustained by Vilox as a result of TripAdvisor's infringement of the '100 patent in an amount to be determined at trial, which amount shall be no less than a reasonable royalty, together with interest and costs as fixed by this Court pursuant to 35 U.S.C. § 284.

#### **JURY DEMAND**

Vilox hereby demands a trial by jury on all issues so triable.

#### **PRAYER FOR RELIEF**

WHEREFORE, Vilox requests that the Court enter judgment against TripAdvisor as follows:

A. An adjudication that Defendants TripAdvisor, Inc. and TripAdvisor, LLC have infringed the '100 patent.

B. An award of damages to be paid by Defendants adequate to compensate Vilox for TripAdvisor's past infringement of the '100 patent and any continuing or future infringement

through the date such judgment is entered, including interest, costs, expenses and an accounting of all infringing acts including, but not limited to, those acts not presented at trial;

C. A declaration that this case is exceptional under 35 U.S.C. § 285, and an award of Vilox's reasonable attorneys' fees; and

D. An award to Vilox of such further relief at law or in equity as the Court deems just and proper.

Date: August 25, 2015

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